

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

I. STEPHEN RABIN, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

THE NEW YORK TIMES COMPANY,
DOW JONES & COMPANY, INC., and
FORBES, INC.

Defendants.

Case No. 14 Civ. 4498 (JSR)

**ANSWERING MEMORANDUM IN OPPOSITION TO DOW JONES'
APPLICATION FOR FEES AND COSTS**

This memorandum is submitted on behalf of plaintiff I. Stephen Rabin and his attorney Raymond A. Bragar. They have been sanctioned individually and collectively by this court. Mr. Bragar's firm Bragar Eagel & Squire, P.C. represents both Mr. Rabin and Mr. Bragar, but the sanction has been imposed on Mr. Bragar individually as well as upon his client, Mr. Rabin, who was the plaintiff in the underlying action.

Defendant Dow Jones now applies to fix the amount of the sanction at \$288,864.14 for legal fees and expenses allegedly incurred in a three month period. It is substantially excessive. Dow Jones utilized too many lawyers, who expended unnecessary hours, and charged an unwarranted amount of fees and expenses, which Messrs. Rabin and Bragar should not be forced to pay.

Dow Jones utilized a phalanx of legal personnel from a large expensive law firm to conduct the litigation over the three month period involved here: two partners, three associates, four

paralegals, and three persons from their Practice Support Department, whatever that may be. Twelve people in all, a law firm in itself.

In contrast, Mr. Rabin employed one lawyer, Mr. Bragar, assisted by paralegals.¹

The table below indicates the wide disparity between Dow Jones and Mr. Rabin in the conduct of this litigation during the same time during which Vinson & Elkins submitted its time sheets, August 1, 2014, through October 31, 2014. The Bragar Eagel & Squire firm time also includes significant time spent to reach and implement settlements with the New York Times and Forbes:

| | Mr. Rabin Bragar Eagel & Squire, P.C. | Dow Jones Vinson & Elkins LLP |
|--------------------------------|--|----------------------------------|
| Number of Hours | 240.2 | 605.2 |
| Amount of Fees and Expenses | \$104,233.31 | \$288,864.14 ² |

Attached as Exhibit 1 is a print out of the Bragar Eagel & Squire, P.C. time charges and disbursements for this matter from August 1, 2014, through October 31, 2014.

In addition to overstaffing, Dow Jones in many instances expended unnecessary, expensive hours. The depositions of Mr. and Mrs. Rabin took about 10 hours, preparation was about 30 hours. It should not have taken experienced lawyers from Vinson & Elkins four days of preparation for one day of deposition. Exhibit 2 attached is a spreadsheet containing the time charges from Exhibit 1 of the Thau affidavit referring to the depositions.

¹ Two associates expended 18.5 hours in this litigation during the relevant time.

² Mr. Thau goes to great lengths to assert that the rates his firm is billing Dow Jones are fair and reasonable. He does not address the question of whether the rates he is charging are the “normal and usual” rates he charges Dow Jones in other matters and his normal and usual rates for other clients. Also, there is no listing of how the expenses were charged, eg. the cost per page for photocopying.

Dow Jones' lawyers spent almost 38 hours on the motion to dismiss the amended complaint, or almost a week. However, the court previously held that the amended complaint was a virtual repeat of the original complaint with only a few minor changes. Vinson & Elkins had made a motion and filed a brief in support of the motion to dismiss the original complaint. They therefore were in a position to utilize what they had already done. They should not have had to reinvent the wheel, spending a week doing so. Exhibit 3 attached is a spreadsheet containing the time charges from Exhibit 1 of the Thau affidavit referring to the motion to dismiss the amended complaint.

Dow Jones' lawyers Vinson & Elkins spent almost 177 hours on discovery, most of which involved production of Dow Jones documents. 177 hours translates into five weeks and at \$200 an hour the expense is almost \$35,000! This seems excessive. Exhibit 4 attached is a spreadsheet containing the time charges from Exhibit 1 of the Thau affidavit referring to discovery.

Vinson & Elkins spent about 87 hours in conversations, meetings, and conferences. Mr. Bragar spent almost 10 hours in the same period excluding the meetings with Vinson & Elkins. While Vinson & Elkins spent some of the time with Mr. Bragar, the great majority of time was spent between Vinson & Elkins personnel. Exhibit 5 attached is a spreadsheet containing the time charges from Exhibit 1 of the Thau affidavit referring to conversations, meetings and conferences.

It seems clear that Dow Jones spared no expense and their lawyers spared no effort in this litigation. But that does not mean that Messrs. Rabin and Bragar must pay for their profligacy. There should be a reduction of approximately 50% from the amount requested so that the sanctions should be no more than \$144,000, very substantial, but less punitive than what is requested.³

³ Messrs. Rabin and Bragar reserve the right to contest on appeal whether Dow Jones is entitled to any sanctions at all.

It should be emphasized that both Mr. Rabin and Mr. Bragar must pay any sanction individually. Pursuant to arrangements with his firm, Mr. Bragar, 69 years old, is solely responsible. Mr. Rabin, 82 years old and semi-retired, is working essentially as a sole practitioner.

Both Mr. Rabin, a Columbia Law School graduate, and Mr. Bragar, a Harvard Law School graduate and former clerk to Judge McMahon of this court, have been practicing, primarily in this district, for 56 and 42 years, respectively. Hitherto both have had unblemished records. This, we respectfully submit, should be taken into account when awarding fees.

Conclusion

Dow Jones' sanctions should be no more than \$144,000.

Respectfully submitted.

BRAGAR EAGEL & SQUIRE, P.C.

By: s/Raymond A. Bragar

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New York, NY 10022
(212) 308 5858
bragar@bespc.com

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2015, a copy of the foregoing instrument was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of this Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

s/Raymond A. Bragar

Raymond A. Bragar

Exhibit

1

Stephen Rabin

August 20, 2015

Attention: File #: 02000
 Inv #: Sample

RE: New York Times

| DATE | DESCRIPTION | HOURS | AMOUNT | LAWYER |
|-----------|---|-------|----------|--------|
| Aug-01-14 | Call David McCraw. Negotiate with McCraw. Consult with Rabin. Calls to and from McCraw. Callsl to and from Thau and Preston. Consult with Steve Rabin | 2.20 | 1,430.00 | RAB |
| Aug-04-14 | Review and revise settlement agreement. Consult with Steve Rabin. Email to David McCraw. Exchange emails with Preston. Call David McCraw. | 1.00 | 650.00 | RAB |
| Aug-04-14 | Call to clerk re: amended complaint. Draft stip re: time to file amended complaint. Consult with RAB re: all of the above. | 0.70 | 245.00 | JAK |
| Aug-05-14 | Review Ex. A to NY Times settlement. Call David McGraw. Consult with Rabin. Revise Ex. A. Email to David McCraw.. Exchange emails re filing amended complaint. Call David McCraw. Exchange emails with Hilary Preston setting forth settlement terms. Addtional email and revised agreement to David McCraw. | 2.10 | 1,365.00 | RAB |
| Aug-06-14 | Prepare for phone conference. Email settlement proposal to Balin. Review changes to NY Times settlement. Email to McCraw. Conf. call to Court with all counsel. File amended complaint with stipulation. | 1.00 | 650.00 | RAB |
| Aug-06-14 | Prepare settlement email for Balin. Review changes to Times settlement documents. Email to McCraw. Conf. call with all counsel and Judge Rakoff chambers. File stipulation as to amended complaint.Call David McCraw. Consult with Steve Rabin. | 1.50 | 975.00 | RAB |

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|-----------|---|------|----------|-----|
| Aug-06-14 | Help to refile amended complaint and stipulation via SDNY ECF | 1.00 | 75.00 | KG |
| Aug-07-14 | Consult with Steve Rabin. Call McCraw. Call from Rob Balin. Review responses to document requests from Dow Jones and Forbes. Email to Dow Jones re confidentiality agreement. | 2.20 | 1,430.00 | RAB |
| Aug-07-14 | Pick up sealed folders at SDNY | 2.00 | 150.00 | KG |
| Aug-07-14 | Check citations for Memo of Law; cross-reference deposition transcripts and exhibits | 2.00 | 150.00 | KG |
| Aug-08-14 | Calls from and to Hilary Preston re settlement and meeting. Consult with Steve Rabin re same. Call McCraw. Review revised NY Times settlement. Email to McCraw.. Review Dow Jones Notice of Deposition and Subpoena. | 1.00 | 650.00 | RAB |
| Aug-11-14 | Call from Steve Rabin. Exchange emails with Kimberly McCoy. Review Rakoff protective order. Call Rob Balin. Prepare notices of deposition for Dow Jones and Forbes witnesses. Draft letters to Preston and Balin. Exchange email with McCraw re final settlement agreement and review same. Exchange emails with Hillary Preston. | 3.80 | 2,470.00 | RAB |
| Aug-11-14 | Mail notices of deposition, create affidavits of service for deponents | 1.00 | 75.00 | KG |
| Aug-12-14 | Prepare for meeting with Dow Jones. Consult with Steve Rabin. Email to Preston. Email to David McCraw with settlement documents. Work on responses to Dow Jones document request. Call from Hilary Preston. Exchange calls with Rob Balin. Attend meeting with Thau, Preston, Dow Jones, and Rabin. Exchange calls with Balin. Email to Balin. Draft response to Dow Jones and Forbes Int.s and Doc Requests. Consult with Steve Rabin. | 4.90 | 3,185.00 | RAB |
| Aug-12-14 | Scan and attach affidavits of service onto notices of deposition on the S drive | 0.50 | 37.50 | KG |
| Aug-13-14 | Review and revise response to Forbes Int.s and Doc request. Consult with Steve Rabin. | 0.50 | 325.00 | RAB |

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|-----------|--|------|----------|-----|
| Aug-13-14 | Make copies of Rabin's "Thoughts on case" | 0.50 | 37.50 | KG |
| Aug-14-14 | Revise Rabin response to Dow Jones and Forbes document requests. Consult with KG. Work on response to Dow Jones and Forbes Interrogatories. Review 2d motion to dismiss. Call Balin. Consult with Steve Rabin. Call Preston. | 2.10 | 1,365.00 | RAB |
| Aug-14-14 | Add Rabin produced docs to S-drive | 0.50 | 37.50 | KG |
| Aug-15-14 | Work on opposition to motion to dismiss.. Research aiding and abetting fraud, GBL 349, and special relationship. Call from Hilary Preston. Exchange emails with David McCraw. | 5.60 | 3,640.00 | RAB |
| Aug-15-14 | legal research on GBL 349 | 1.50 | 300.00 | DS |
| Aug-18-14 | Work on brief in opp to MTD. Consult with Steve Rabin. Exchange calls with Cliff Thau. Email to Hilary Preston. Call from Cliff Thau. | 3.70 | 2,405.00 | RAB |
| Aug-18-14 | Consult with RAB re: stipulation dismissing NY times. Discuss with KG re: same. | 0.20 | 70.00 | JAK |
| Aug-18-14 | legal research on GBL 349 claims and special relationship | 3.00 | 600.00 | DS |
| Aug-18-14 | Proof and ecf stipulation of dismissal against NY Times | 1.00 | 75.00 | KG |
| Aug-19-14 | Consult with KG re discovery responses. Consult with Steve Rabin. Call Rob Balin. Review protective order. Exchange emails with all counsel re same. Email all counsel with courtesy copy of stip of dismissal. Exchange emails re call to Court re protective order. Call from Hilary Preston. Call Geoff Darling. Call Hilary Preston. Consult with Steve Rabin. | 2.10 | 1,365.00 | RAB |
| Aug-19-14 | Consult with RAB re: motion to dismiss. | 0.20 | 70.00 | JAK |
| Aug-19-14 | legal research on common carriers and special relationships in new york | 7.00 | 1,400.00 | DS |
| Aug-20-14 | Consult with Steve Rabin re motion to dismiss. Conf. call with counsel and court re protective order. Consult with KG re discovery | 2.20 | 1,430.00 | RAB |

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|-----------|--|------|----------|-----|
| | responses. Edit same. Review Dow Jones response to Interrogatories. | | | |
| Aug-20-14 | Bates stamp document production. | 0.70 | 52.50 | SLC |
| Aug-20-14 | Prepare responses to the defendants', DJ and Forbes', first set of interrogatories; compile documents, scan originals, send docs to defendants via email | 4.50 | 337.50 | KG |
| Aug-21-14 | Emaill to Joe McBride. Exchange emails with Eric Stahl and Hilary Preston. Review Doct. log and consult with KG. Call Steve and Ruth Rabin. Exchange emails with Hilary Preston. Email to all counsel re Rabin dates for depo. | 1.30 | 845.00 | RAB |
| Aug-25-14 | Exchang emails with Preston re Rabins' depositions. Call Steve Rabin. Review entered Protective Order | 0.50 | 325.00 | RAB |
| Aug-25-14 | Consult with JM re: legal research and status of case. | 0.50 | 175.00 | JAK |
| Aug-25-14 | Transcribe new aiding and abetting complaint for Steve Rabin | 2.50 | 187.50 | KG |
| Sep-01-14 | Exchange email with Bob Balin. Review Forbes' Notices of Deposition and Subpoenas | 0.80 | 520.00 | RAB |
| Sep-02-14 | Call from Balin. Consult with Rabin. Call a nd email Hilary Preston. Work on MTD opposition. | 1.90 | 1,235.00 | RAB |
| Sep-03-14 | Exchange emails with Hilary Preston. Consult with Steve Rabin. Work on MTD opposition. Calls to and from Balin. Consult iwth KG. | 5.20 | 3,380.00 | RAB |
| Sep-03-14 | Edit Plaintiff Memo of Law in Opposition to Defendants' Joint Motion to Dismiss | 2.00 | 150.00 | KG |
| Sep-04-14 | Consult with KG. Revise MTD opposition. Call from Hilary Preston. Wrtie Judge Rakoff.Call from Balin. Email to Balin. Call Steve and Ruth Rabin. | 3.30 | 2,145.00 | RAB |
| Sep-04-14 | Edit Memo of Law, research cases, create table of contents and table of authorities | 7.00 | 525.00 | KG |
| Sep-05-14 | Call from Steve Rabin. Exchange calls with Cliff Thau and Hilary Preston. Review document production. Consult with KG. | 1.80 | 1,170.00 | RAB |

| | | | | |
|-----------|---|-------|----------|-----|
| | Prepare for Steve Rabin depo. Start prep. for Ruth Rabin. | | | |
| Sep-08-14 | Prepare Steve Rabin for deposition. Call Rob Balin. Review documents produced by Dow Jones. Review Forbes settlement agreement. Consult with Steve Rabin. Call and email Hilary Preston. Exchange emails with Bob Balin. Exchange emails with Hilary Preston re Mony transcript. | 4.60 | 2,990.00 | RAB |
| Sep-08-14 | Edit production log for DJ produced docs, sort into readwells based on type of document, print all docs | 7.00 | 525.00 | KG |
| Sep-09-14 | Defend Steve Rabin's deposition. Review Forbes' changes. Exchange email with Eric Stahl. Call Ruth Rabin. Prepare Ruth Rabin questions. | 11.30 | 7,345.00 | RAB |
| Sep-10-14 | Call from Balin. Exchange emails with Stahl. Substitute execution page. Consult with JAK. Consider issues for Dow Jones. Call Hilary Preston. Meet with Ruth Rabin to prepare for deposition. Review DJ document production for deposition. Start preparation for Stearns deposition. Receive Preston letter. Draft response. Call and email Preston. | 5.70 | 3,705.00 | RAB |
| Sep-10-14 | Research on ability to compel deposition in new your city. Consult with RAB re: same. | 0.80 | 280.00 | JAK |
| Sep-11-14 | Defend Ruth Rabin deposition. Review McCoy email. Consult with Steve Rabin re response to email and Preston letter. Calls to and from Rob Balin and to Eric Stahl. Work on letter to Preston. Review Reply memo of law. Research cases. Consult with Steve Rabin. | 7.80 | 5,070.00 | RAB |
| Sep-11-14 | Legal research on place where a 30(b)(6) deposition takes place. Consult with RAB re: same. | 1.40 | 490.00 | JAK |
| Sep-12-14 | Revise letter to Preston. Prepare for oral argument | 2.90 | 1,885.00 | RAB |
| Sep-15-14 | Call from Joe McBride. Consult with Steve Rabin. Organize COI retainer letters. | 0.50 | 325.00 | RAB |
| Sep-16-14 | Confirm receipt of Forbes funds. Finalize Notice of Dismissal. Consult with KG. Write | 1.40 | 910.00 | RAB |

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|-----------|--|------|----------|-----|
| | Judge Rakoff with courtesy copy. Email counsellors with letter to Rakoff. Email Balin. Consult with Steve Rabin re oral argument. Prepare for same. | | | |
| Sep-16-14 | File notice of dismissal against Forbes in SDNY and prepare moving, opposition and reply papers for oral argument tomorrow | 1.00 | 75.00 | KG |
| Sep-17-14 | Organize for oral argument. Review Preston letter. Call from Rob Balin. Attend court for motion to dismiss. Email from reporter. Call reporter. | 4.30 | 2,795.00 | RAB |
| Sep-18-14 | Cpnsult with Steve Rabin. Revise letter to Preston. Revise Response to admissions. Review credit card statements. Consult with Steve Rabin. | 1.80 | 1,170.00 | RAB |
| Sep-18-14 | Received Rabin deposition transcript and exhibits, scanned all exhibits onto the S drive | 2.50 | 187.50 | KG |
| Sep-19-14 | Review Preston email. Call Steve Rabin. Serve Response to Admissions and letter to Preston. | 0.50 | 325.00 | RAB |
| Sep-22-14 | Review emails from V&E. Consult with KG. Supervise execution of response to admissions. Email to Preston. Email re adjourn Stearns deposition. Exchange emails with Kimberly McCoy | 1.80 | 1,170.00 | RAB |
| Sep-22-14 | Downloading and sorting through DJ pdfs and tiffs sent over for discovery, saving them on S drive | 5.00 | 375.00 | KG |
| Sep-23-14 | Email from and exchange calls with Cliff Thau. Consult with Steve Rabin. Review checks. Call Cliff Thau. Call from Hilary Preston. Consult with KG. Email bates stamped checks to Preston. | 1.90 | 1,235.00 | RAB |
| Sep-23-14 | Figure out way to open tiff files, scan, bates stamp Rabin discovery docs | 0.50 | 37.50 | KG |
| Sep-24-14 | Call from Hilary Preston and Kimberly McCoy. Consult with Steve Rabin. Review order. Consult with Steve Rabin. | 1.10 | 715.00 | RAB |
| Sep-24-14 | Legal Research to find cases in federal or state court that show shareholder's rights and | 3.00 | 225.00 | KG |

| | | | | |
|-----------|--|------|----------|-----|
| | responsibilities when selling shares and commencing civil litigation against company | | | |
| Sep-30-14 | Exchange emails with Hilary Preston. Review documentary evidence re CBS and Rabin. | 0.60 | 390.00 | RAB |
| Oct-01-14 | Consult with Steve Rabin | 0.60 | 390.00 | RAB |
| Oct-02-14 | Consult with Steve Rabin and review of his notes. Attend meeting at Vincent & Elkins. Consult with Steve Rabin. Exchange emails with Hilary Preston. | 1.80 | 1,170.00 | RAB |
| Oct-03-14 | Conf. call with Vincent and Elkins and Rakoff chambers. Call Steve Rabin. | 0.40 | 260.00 | RAB |
| Oct-06-14 | Consult with Steve Rabin. Consult with SA | 0.40 | 260.00 | RAB |
| Oct-10-14 | Email from McCoy. Call from Steve Rabin. Review Sanctions motion. Consult with JHS, LPE and Steve Rabin. | 1.80 | 1,170.00 | RAB |
| Oct-13-14 | Work on chronology. Review McCraw letter and draft response thereto. Draft letter to Balin. Consult with Steve Rabin. Draft response to Balin. Revise responses. Email McCraw and Balin. Work on Sanctions Response Memo | 7.90 | 5,135.00 | RAB |
| Oct-14-14 | Work on sanctions opposition memo. Research 1927 and inherent power. | 6.90 | 4,485.00 | RAB |
| Oct-14-14 | Work on sanctions opposition memo. | 7.30 | 4,745.00 | RAB |
| Oct-15-14 | Work on RAB declaration. Consult with Steve Rabin. Work on Rabin affidavit. | 5.80 | 3,770.00 | RAB |
| Oct-16-14 | Consult with Steve Rabin. Email to Joe McBride. | 0.60 | 390.00 | RAB |
| Oct-20-14 | Voice mail from Steve Rabin. Review cases from McBride. Consult with Steve Rabin and SM | 0.70 | 455.00 | RAB |
| Oct-20-14 | Consult with SR re: motion for sanctions. | 0.50 | 175.00 | JAK |
| Oct-20-14 | Type and Edit Documents | 2.00 | 150.00 | SNM |
| Oct-21-14 | Review Stahl letter. Reply to Stahl. Consult with Steve Rabin. | 2.00 | 1,300.00 | RAB |

| | | | | |
|---------------|--|-------|----------|--------------|
| Oct-21-14 | Type document | 1.50 | 112.50 | SNM |
| Oct-22-14 | Consult with Steve Rabin. Work on RAB Dec and Rabin Aff. Exchange emails with Hilary Preston. Write Lennon. Revise Ruth Rabin aff. | 2.20 | 1,430.00 | RAB |
| Oct-22-14 | Proofread and edit documents | 2.00 | 150.00 | SNM |
| Oct-23-14 | Consult with Steve Rabin. Revise aff.s and memo of law. Exchange emails with Preston and Lennon. | 4.60 | 2,990.00 | RAB |
| Oct-23-14 | Type and edit documents | 2.00 | 150.00 | SNM |
| Oct-24-14 | Consult with SM, SC, and AG re completion of papers. Consult with JAK, as well. Approve corrections. Draft courtesy copy letter to Rakoff. Coordinate filing and sending of courtesy copy. | 2.70 | 1,755.00 | RAB |
| Oct-24-14 | Work on opposition to motion for sanctions. ECF filing of same. | 2.40 | 840.00 | JAK |
| Oct-24-14 | Proofread Rabin Affidavit; prepare Rabin Affidavit exhibit; create table of authorities and contents for Memo of Law; velobind and ship courtesy copies. | 6.50 | 487.50 | SLC |
| Oct-24-14 | Edit and assemble documents | 4.00 | 300.00 | SNM |
| Oct-24-14 | Edit, print and ECF file documents; velobind documents for package to Court. | 5.00 | 375.00 | ARG |
| Oct-31-14 | Review Dow Jones sanctions reply. | 0.80 | 520.00 | RAB |
| Oct-31-14 | Consult with SR re: whether certain conduct is sale of customer list. | 0.30 | 105.00 | JAK |
| Totals | | <hr/> | 229.10 | \$103,000.00 |

FEE SUMMARY:

| Lawyer | Hours | Effective Rate | Amount |
|-------------------|--------|----------------|-------------|
| Raymond A. Bragar | 143.40 | \$650.00 | \$93,210.00 |
| Justin A. Kuehn | 7.00 | \$350.00 | \$2,450.00 |
| Derek Scherr | 11.50 | \$200.00 | \$2,300.00 |

| | | | |
|---------------------|-------|---------|------------|
| Sabrina Camboulives | 7.20 | \$75.00 | \$540.00 |
| Kai Goldynia | 43.50 | \$75.00 | \$3,262.50 |
| Spencer Migotsky | 11.50 | \$75.00 | \$862.50 |
| Alexis Garcia | 5.00 | \$75.00 | \$375.00 |

| DISBURSEMENTS | | Disbursements | Receipts |
|---------------------------------------|-------------------------|----------------------|-----------------|
| | Copy Expense | 937.50 | |
| Aug-18-14 | Local Transit | 22.70 | |
| Aug-18-14 | Local Transit | 24.50 | |
| Sep-16-14 | Federal Express | 14.96 | |
| Sep-16-14 | Federal Express | 14.96 | |
| Sep-18-14 | Computer Legal Research | 31.80 | |
| Oct-16-14 | Federal Express | 14.89 | |
| Oct-16-14 | NYC Taxi | 25.20 | |
| Oct-16-14 | Taxicab | 25.10 | |
| Oct-16-14 | Federal Express | 14.89 | |
| Oct-16-14 | Computer Legal Research | 106.81 | |
| <hr/> | | <hr/> | <hr/> |
| | Totals | \$1,233.31 | \$0.00 |
| <hr/> | | <hr/> | <hr/> |
| Total Fees & Disbursements | | \$104,233.31 | |
| <hr/> | | <hr/> | <hr/> |
| Previous Balance | | \$0.00 | |
| Previous Payments | | \$0.00 | |
| <hr/> | | <hr/> | <hr/> |
| Balance Due Now | | \$104,233.31 | |
| <hr/> | | <hr/> | <hr/> |
| AMOUNT QUOTED: | | | \$0.00 |

Exhibit

2

| DATE | TIMEKEEPER | HOURS BILLED | NARRATIVE |
|-----------|------------------------|--------------|---|
| 8/8/2014 | McCoy, Kimberly R. | 0.5 | Draft notice of deposition for Stephen Rabin. Draft notice of deposition, request for production of documents and subpoena for |
| 8/8/2014 | McCoy, Kimberly R. | 0.8 | Ruth Rabin. |
| 8/11/2014 | Thau, Clifford L. | 0.5 | Prepare for meeting with Rabin and counsel. |
| 8/11/2014 | Preston, Hilary Lovett | 1.5 | Prepare for meeting with Rabin and Bragar. |
| 8/12/2014 | Thau, Clifford L. | 2.8 | Meet with Steve Rabin and Ray Bragar, including preparation for Darling telephone conference. |
| 8/21/2014 | Thau, Clifford L. | 1.3 | Attention to settlement talks and Steve Rabin. Begin outlining deposition questioning for |
| 8/26/2014 | Preston, Hilary Lovett | 0.4 | 0.4 Rabins. Attention to deposition planning and |
| 8/26/2014 | Preston, Hilary Lovett | 0.4 | 0.4 correspondence regarding same. |
| 9/4/2014 | McCoy, Kimberly R. | 5.5 | Draft outline for deposition of Stephen Rabin. Finalize exhibits for depositions of Stephen |
| 9/5/2014 | McCoy, Kimberly R. | 3.5 | Rabin and Ruth Rabin. Continue to prepare for depositions of Mr. and |
| 9/7/2014 | Preston, Hilary Lovett | 1.8 | 1.8 Mrs. Rabin. Research and due diligence background investigation regarding Ruth Rabin in preparation for her deposition, per request of |
| 9/8/2014 | Neumann, Kim Elliot | 3.1 | 3.1 Kim McCoy and Hilary Preston Final preparations for deposition of Stephen |
| 9/9/2014 | McCoy, Kimberly R. | 1.8 | 1.8 Rabin. Deposition of Stephen Rabin and final |
| 9/9/2014 | Preston, Hilary Lovett | 8.5 | 8.5 preparation for same. |
| 9/10/2014 | Preston, Hilary Lovett | 1.3 | 1.3 Prepare for deposition of Ruth Rabin. |
| 9/10/2014 | McCoy, Kimberly R. | 1.5 | 1.5 Prepare exhibits for deposition of Ruth Rabin. |
| 9/10/2014 | McCoy, Kimberly R. | 1.8 | 1.8 Draft outline for deposition of Ruth Rabin. Take deposition of Ruth Rabin and prepare for |
| 9/11/2014 | Preston, Hilary Lovett | 2.5 | 2.5 same. Attention to evidence from CBS to be used |
| 9/23/2014 | Thau, Clifford L. | 1 | 1 against Stephen Rabin. |

Total Rabin Depoistion
Hours

40.5

Exhibit

3

| DATE | TIMEKEEPER | HOURS BILLED | NARRATIVE |
|-----------|-------------------------|--------------|--|
| 8/5/2014 | McCoy, Kimberley R. | 1.2 | Research grounds to attack Amended Complaint |
| 8/5/2014 | McCoy, Kimberley R. | 2.2 | Draft email to joint defense group summarizing arguments for revised Motion to Dismiss. |
| 8/7/2014 | Preston, Hillary Lovett | 1.2 | Continue to work on revised motion to dismiss. |
| 8/8/2014 | Falcon, Keith | 0.2 | Receive and review Defendant Forbes' and Dow Jones' responses to plaintiff's first set of requests for production of documents. |
| 8/10/2014 | McCoy, Kimberley R. | 0.5 | Draft new section of motion to dismiss. Combine sections of motion to dismiss amended complaint drafted by Forbes and the New York Times into one brief and format and harmonize same. |
| 8/10/2014 | McCoy, Kimberley R. | 2 | Cite check Memorandum of Law in Support of Defendants' Joint Motion to Dismiss Amended Complaint Under Fed. R. Civ. P. 12 (b) (6) and 3.5 9(b). |
| 8/11/2014 | Hopson, Kathy | 3.5 | Several emails with Robert Balin, counsel for Forbes, regarding draft of Motion to Dismiss and next steps. |
| 8/11/2014 | McCoy, Kimberley R. | 0.3 | Numerous telephone calls to Judge Rakoff's clerk regarding briefing schedule for the anticipated motion to dismiss filed jointly by all defendants. |
| 8/12/2014 | Falcon, Keith | 0.2 | Enter comments from cite check into Motion 1 to Dismiss Amended Complaint. |
| 8/12/2014 | McCoy, Kimberley R. | 1 | Draft Notice of Motion to Dismiss Amended Complaint. |
| 8/12/2014 | McCoy, Kimberley R. | 0.3 | Finalize and efile Notice of Motion to Dismiss, Memorandum of Law in Support, Declaration in Support, and Certificate of service in the CM/ECF system for the Southern District of New York. |
| 8/14/2014 | Falcon, Keith | 0.5 | Finalize Notice of Joint Motion to Dismiss, Memorandum of Law in Support of Motion to Dismiss, and Declaration of Hilary Preston for filing, including inputting final comments from Craig Linder, Hilary Preston and Robert Balin, and coordinate filing and delivery of hard-6.8 copies of same. |
| 8/14/2014 | McCoy, Kimberley R. | 6.8 | Draft outline for reply brief in support of motion to dismiss. |
| 9/7/2014 | McCoy, Kimberley R. | 3.5 | |

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|-----------------------------------|--|
| 9/16/2014 Shibib, Kareem A. | Research and analyze case law in preparation 0.5 for motion to dismiss hearing. Continue to prepare for oral argument on 5.1 motion to dismiss. 1.5 Argument on Motion to Dismiss. Preparations for Motion to Dismiss hearing 1.5 with Hilary Preston. 1 Argue motion to dismiss. Continue to prepare for motion to dismiss 5 argument. |
| 9/16/2014 Preston, Hillary Lovett | |
| 9/17/2014 Thau, Clifford L. | |
| 9/17/2014 McCoy, Kimberley R. | |
| 9/17/2014 Preston, Hillary Lovett | |
| 9/17/2014 Preston, Hillary Lovett | |

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| Total Complaint/Motion to Dismiss Hours | 38 |
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Exhibit

4

| DATE | TIMEKEEPER | HOURS BILLED | NARRATIVE |
|-----------|------------------------|--------------|---|
| 8/1/2014 | McCoy, Kimberly R. | | Draft Objections and Responses to Plaintiff's First Request for 5.4 production. |
| 8/6/2014 | McCoy, Kimberly R. | | Draft revised motion to dismiss 5.5 fraud claim. |
| 8/7/2014 | McCoy, Kimberly R. | | Serve response to requests for 0.2 production. |
| 8/7/2014 | McCoy, Kimberly R. | | Several emails with Hilary Preston regarding subpoenas for testimony |
| 8/7/2014 | Preston, Hilary Lovett | | 0.3 and next steps. |
| 8/7/2014 | Preston, Hilary Lovett | | 0.2 Attention to discovery issues. |
| 8/10/2014 | McCoy, Kimberly R. | | Research potential grounds to argue that allegations against 0.8 defendants are insufficient. |
| 8/11/2014 | Preston, Hilary Lovett | | Attention to discovery strategy and 1 preparation. |
| 8/12/2014 | McCoy, Kimberly R. | | 0.3 Draft declaration of Hilary Preston. |
| 8/12/2014 | McCoy, Kimberly R. | | Coordinate entering of table of contents and table of authorities, 0.3 in conformity with local rules. |
| 8/12/2014 | Preston, Hilary Lovett | | Prepare for Darling conferences 0.5 with Cliff Thau and Craig Linder. |
| 8/12/2014 | Preston, Hilary Lovett | | Prepare for Darling conferences 0.8 with Cliff Thau. |
| 8/14/2014 | Hopson, Kathy | | Search PACER to obtain status of 0.3 three Rabin cases. |
| 8/14/2014 | Preston, Hilary Lovett | | Attention to next steps in 0.3 discovery. |
| 8/14/2014 | McCoy, Kimberly R. | | Research final disposition of other litigation matters brought by Plaintiff and incorporate into 0.4 Motion to Dismiss. |
| 8/15/2014 | Falcon, Keith | | Draft and circulate calendar entries with briefing schedule and oral 0.1 argument date. |
| 8/15/2014 | McCoy, Kimberly R. | | Draft and circulate stipulation for entry of protective order to 0.6 counsel for Forbes. |
| 8/17/2014 | McCoy, Kimberly R. | | Draft responses and objections to Plaintiff's first set of 0.8 interrogatories. |

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| 8/19/2014 Preston, Hilary Lovett | 0.5 Attention to discovery planning. |
| 8/20/2014 Preston, Hilary Lovett | 0.3 Finalize protective order. |
| 8/20/2014 Preston, Hilary Lovett | 0.3 Finalize interrogatory responses. |
| 8/22/2014 Preston, Hilary Lovett | 1 Interview of Maxine Tiger. |
| 8/22/2014 Preston, Hilary Lovett | 0.5 Attention to discovery planning. |
| 8/25/2014 Falcon, Keith | Draft and circulate calendar entries to attorney team for all notices 0.2 served upon defendants. |
| 8/25/2014 McCoy, Kimberly R. | Draft email to Hilary Preston 0.3 regarding discovery documents. |
| 8/26/2014 McCoy, Kimberly R. | Draft list of document requests for 1.2 subpoenas to banks. |
| 8/26/2014 Neumann, Kim Elliot | Research and investigation regarding Pacific Trust Bank, Sterling Savings Bank, n/k/a Umpqua Bank, Washington Federal Bank, Bank of the Cascades, and 3.8 Liberty Publishers Service, Inc. |
| 8/26/2014 Neumann, Kim Elliot | Draft email response regarding 0.7 results of investigation. Consider topics for requests for admission and confer with Kim |
| 8/26/2014 Preston, Hilary Lovett | 1 McCoy regarding same. |
| 8/27/2014 Falcon, Keith | Draft email regarding the creation of a review database for Kimberly McCoy to be able to review and select responsive documents for Dow Jones' upcoming document 0.2 production. |
| 8/27/2014 McCoy, Kimberly R. | Draft Requests for Admissions and revise same per comments from 1.4 Hilary Preston. Draft update email to Craig Linder |
| 8/27/2014 McCoy, Kimberly R. | 0.3 regarding case status. |
| 8/27/2014 McCoy, Kimberly R. | 0.5 Update case task list. |
| 8/28/2014 Young, Lynn | Prepare instructions for attorney 0.5 use of document review database. |

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| | Download client files and process for attorney review in a discovery |
| 8/28/2014 McDuffie, Laura M. | 1.8 review tool. |
| 8/28/2014 McDuffie, Laura M. | Prepare instructions for loading of 0.6 the client files into the review tool. Several emails with Hilary Preston regarding status of subpoenas on 0.3 third parties. |
| 8/28/2014 McCoy, Kimberly R. | Draft Notice of Subpoenas and 1.5 Subpoenas to all banks. |
| 8/28/2014 McCoy, Kimberly R. | Email Eric Stahl regarding status of discovery on Orbital and related 0.2 entities. |
| 8/28/2014 McCoy, Kimberly R. | Coordinate support for service of subpoenas in Oregon, California 0.2 and Washington. |
| 8/28/2014 McCoy, Kimberly R. | Finalize subpoena duces tecum to banks and coordinate service of 1.2 same with Keith Falcon. |
| 8/29/2014 McCoy, Kimberly R. | Finalize requests for admissions 0.2 and serve same. |
| 9/2/2014 McCoy, Kimberly R. | 0.5 Prepare for upcoming depositions. Finalize notices of subpoena duces |
| 9/2/2014 McCoy, Kimberly R. | 0.5 tecum and serve same. Continue to prepare for |
| 9/3/2014 Preston, Hilary Lovett | 0.8 depositions. |
| 9/4/2014 McDuffie, Laura M. | Prepare instructions for preparing documents to review by Kimberly 0.3 McCoy for production processing. Locate documents identified by Kimberly McCoy and export same |
| 9/4/2014 Young, Lynn | 0.5 from review database. Prepare electronic files into |
| 9/4/2014 Young, Lynn | 0.5 attorney review set. Prepare for and conference with |
| 9/5/2014 Thau, Clifford L. | 0.5 Ray Bragar. Research litigation history of plaintiff as a party in preparation |
| 9/5/2014 Shbib, Kareem A. | 1 for deposition. |
| 9/5/2014 Fullbright, Michelle | Process, bates-number, generate, quality-control check and process 2 production [DOW-PROD001]. |

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| | Transfer and upload converted production for import and processing into a database for |
| 9/5/2014 Fullbright, Michelle | 1.5 attorney review. Outline deposition questions and |
| 9/5/2014 Preston, Hilary Lovett | 1.3 attention to exhibits. Coordinate bates labeling of documents for production and |
| 9/5/2014 McCoy, Kimberly R. | 0.8 review same. |
| 9/5/2014 McCoy, Kimberly R. | 0.2 Serve documents on plaintiff. Email Laura McDuffie regarding collection of emails and setting up |
| 9/5/2014 McCoy, Kimberly R. | 0.3 call with client. |
| 9/7/2014 Shbib, Kareem A. | Research standing requirements in 1 preparation for deposition. |
| 9/8/2014 Shbib, Kareem A. | Research and investigate litigation history of plaintiff as counsel in 0.4 preparation for deposition. |
| 9/8/2014 Shbib, Kareem A. | Research and draft reply for 0.6 negligence claims. |
| 9/8/2014 Fullbright, Michelle | Load, convert and process 2 production for attorney review. Setup production database of |
| 9/8/2014 Fullbright, Michelle | 0.5 process production. |
| 9/8/2014 McCoy, Kimberly R. | 8.5 Draft reply brief. |
| 9/9/2014 McCoy, Kimberly R. | Draft letter to Ray Bragar regarding 0.3 documents to produce. Draft report documenting statements undermining plaintiff's |
| 9/11/2014 Shbib, Kareem A. | 0.5 amended complaint. Research how to distinguish 0.8 common carrier cases. |
| 9/11/2014 McCoy, Kimberly R. | Prepare system access for Vidhi Agarwal to upload the email 0.7 collection. |
| 9/12/2014 McDuffie, Laura M. | Confer with Kim McCoy regarding Bragar's discovery letter and 0.5 related issues. |
| 9/12/2014 Preston, Hilary Lovett | Attention to additional discovery 0.2 issues. |
| 9/12/2014 Preston, Hilary Lovett | Draft response letter to Ray Bragar regarding outstanding discovery 1 issues. |
| 9/12/2014 McCoy, Kimberly R. | |

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| | Research grounds for sanctions |
| 9/14/2014 McCoy, Kimberly R. | 3.5 Motion and begin drafting same. Process 2008 and 2009 emails for John Stearns to de-duplicate and 1.5 search. |
| 9/15/2014 McDuffie, Laura M. | Apply search terms and export for attorney review emails with search 0.5 hits. Begin to prepare list of potential oral argument questions for Hillary |
| 9/15/2014 McCoy, Kimberly R. | 0.6 Preston. Continue to prepare for oral argument, including reviewing 4.3 briefing and cited cases. |
| 9/15/2014 Preston, Hilary Lovett | Prepare for deposition of John |
| 9/15/2014 Preston, Hilary Lovett | 0.9 Stearns. Research and investigation regarding Customer Access Services, Inc., v. Washington |
| 9/16/2014 Neumann, Kim Elliot | 0.7 Federal case. Obtain docket from Oregon Circuit |
| 9/16/2014 Neumann, Kim Elliot | 0.3 Courts per Kim McCoy's request. Complete the processing of 2009 email for John Stearns to de- |
| 9/16/2014 McDuffie, Laura M. | 3.5 duplicate and search. Apply search terms and export for attorney review emails with search |
| 9/16/2014 McDuffie, Laura M. | 1.8 hits. Re-read briefs prior to argument and draft list of possible questions at oral argument for Hilary |
| 9/16/2014 McCoy, Kimberly R. | 3.8 Preston. Complete the processing of 2010 and 2014 email for John Sterns to |
| 9/17/2014 McDuffie, Laura M. | 5 de-duplicate and search. Apply search terms and export for attorney review emails with search |
| 9/17/2014 McDuffie, Laura M. | 1.5 hits. Coordinate collection of Banc of California subpoena production |
| 9/17/2014 McCoy, Kimberly R. | 0.3 with Keith Falcon. Coordinate copying of checks at |
| 9/17/2014 McCoy, Kimberly R. | 0.5 Dow Jones Chicopee location. |

9/18/2014 McDuffie, Laura M. Download email received by client and forward to processing vendor 3 (EQD) for indexing and searching.

9/18/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding 0.3 discussion with David Lennon.

Conference call with Jay Conti and Craig Linder concerning David 0.3 Lennon discussion.

Attention to discovery issues and 0.5 timing.

Research sanction cases imposing sanctions on basis of filing amended complaint inconsistent 2.2 with discovery.

Continue to download email received by client and forward to processing vendor (EQD) for 3.3 indexing and searching.

Research and analyze case law applying sanctions under the court's inherent authority or Section 1927 where plaintiff's complaint lacked factual support and irresponsibly alleged 1 conspiracy.

9/19/2014 McDuffie, Laura M. Coordinate review of additional John Stearns emails with Kareem 0.4 Shbib and Isabel Sukholitsky.

9/19/2014 McCoy, Kimberly R. Identify next volume of documents to be prepared for production and 3.3 process document production.

Spot check emails tagged by Isabel 0.6 Sukholitsky for accuracy.

Complete processing of document production and review for 2.3 accuracy.

9/20/2014 McDuffie, Laura M. Prepare secure file link of document production for Kim 0.5 McCoy.

Update discovery database with bates numbers for documents 1 produced.

9/20/2014 McCoy, Kimberly R.

9/21/2014 McDuffie, Laura M.

9/21/2014 McDuffie, Laura M.

9/21/2014 McDuffie, Laura M.

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| | Draft affidavit of Cliff Thau in support of motion for sanctions and coordinate documents for |
| 9/21/2014 McCoy, Kimberly R. | 1.2 same. Search discovery database for documents to be used in preparation for the John Stearns deposition as instructed by Kim |
| 9/22/2014 McDuffie, Laura M. | 0.5 McCoy. Export said documents and prepare instructions for preparing materials for review by Kim |
| 9/22/2014 McCoy, Kimberly R. | 1.5 McCoy. Receive additional client documents from the processing vendor (EQD) and prepare for attorney review in the discovery |
| 9/22/2014 McCoy, Kimberly R. | 1.5 database. Prepare production in TIFF format as requested by Opposing Counsel and respond to Counsel's inquiries |
| 9/22/2014 McCoy, Kimberly R. | 1.3 regarding the production. Attention to status of discovery |
| 9/22/2014 Preston, Hilary Lovett | 0.3 issues. Research and draft motion to compel in response to opposing counsel's opposition to discovery |
| 9/22/2014 Shibib, Kareem A. | 1.5 requests. Prepare relevant documents and emails for deposition preparation |
| 9/22/2014 McCoy, Kimberly R. | 3.2 for deposition of John Stearns. |
| 9/23/2014 McDuffie, Laura M. | Download processed email from the processing vendor (EQD) and make available for attorney review 1.3 in the discovery database. Privilege issues email correspondence of custodian John |
| 9/23/2014 Shibib, Kareem A. | 1.5 Stearns. Finalize documents for preparation for deposition of John Stearns and coordinate delivery of same to |
| 9/23/2014 McCoy, Kimberly R. | 1.8 Hilary Preston. |

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| | Research law regarding refusal to cash refund from third party and several emails with Cliff Thau and 3.3 Hilary Preston regarding same. |
| 9/23/2014 McCoy, Kimberly R. | Download copy of additional email collections sent from the client to the processing vendor (EQD) for 0.5 searching and de-duplication. |
| 9/24/2014 McDuffie, Laura M. | Receive processed email from processing vendor and make 0.5 available for review by attorneys. Prepare production processing instructions for EQD for next 0.3 document production. Continue to review documents for 1.5 production. |
| 9/24/2014 McDuffie, Laura M. | Research consequences of dismissal on prospect of seeking 1 sanctions. Draft letter to Ray Bragar regarding his response to outstanding 0.5 discovery issues. |
| 9/24/2014 Sukholitsky, Isabel P. | Research substantive grounds of 1 sanctions in light of refund. |
| 9/24/2014 Shbib, Kareem A. | Research consequences of final judgment on motion for sanctions 1.3 under Second Circuit precedent. Continue to prepare for meeting 0.5 with Ray Bragar. |
| 9/24/2014 McCoy, Kimberly R. | Meeting with Raymond Bragar and 1.3 follow-up with Craig Linder. |
| 9/25/2014 Shbib, Kareem A. | Research authority for sanctions for false representations during 1.3 litigation. |
| 10/1/2014 Preston, Hilary Lovett | 1.7 Cite check Motion for Sanctions. |
| 10/2/2014 Thau, Clifford L. | Efile notice of motion, memorandum of law in support, declaration in support, and exhibits 0.5 thereto via CM/ECF. |
| 10/7/2014 Shbib, Kareem A. | |
| 10/9/2014 Hopson, Kathy | |
| 10/10/2014 Falcon, Keith | |

10/24/2014 McCoy, Kimberly R.

Read brief in opposition to Motion
for Sanctions and supporting
affidavits and exchange emails
regarding same with Hilary Preston

2.4 and Cliff Thau.

Total Discovery Hours

144.8

Exhibit

5

| DATE | TIMEKEEPER | HOURS BILLED | NARRATIVE |
|-----------|------------------------|--------------|---|
| 8/1/2014 | Preston, Hilary Lovett | 0.5 | Confer with Ray Bragar and Cliff Thau regarding revised declaration (.3); confer with Cliff Thau regarding same (.2). |
| 8/1/2014 | Thau, Clifford L. | 0.5 | Telephone conference with Raymond Bragar, plaintiff's counsel. |
| 8/5/2014 | Preston, Hilary Lovett | 0.3 | Confer with Kim McCoy regarding discovery responses and strategy. |
| 8/5/2014 | McCoy, Kimberly R. | 0.3 | Telephone conference with Hilary Preston regarding case status, discovery responses, and next steps. |
| 8/6/2014 | Thau, Clifford L. | 0.5 | Telephone conference with client regarding demand from plaintiff. |
| 8/6/2014 | Preston, Hilary Lovett | 0.5 | Confer with Cliff Thau regarding strategy in light of Rabin's settlement proposal. |
| 8/6/2014 | Preston, Hilary Lovett | 0.2 | Conference with court regarding amended complaint. |
| 8/6/2014 | Preston, Hilary Lovett | 0.4 | Conference call with Craig Linder regarding strategy. |
| 8/7/2014 | Thau, Clifford L. | 0.5 | Attention to meeting with Stephen Rabin and Raymond Bragar. |
| 8/7/2014 | McCoy, Kimberly R. | 2.3 | Telephone conference with Hilary Preston and Craig Linder regarding draft of responses to first request for production. |
| 8/7/2014 | Preston, Hilary Lovett | 0.3 | Telephone conference with David McCraw of the NY Times. |
| 8/7/2014 | Preston, Hilary Lovett | 0.3 | Confer with Cliff Thau regarding McGraw conference. |
| 8/7/2014 | Preston, Hilary Lovett | 0.8 | Confer with Craig Linder and Kim McCoy regarding discovery issues. |
| 8/7/2014 | Preston, Hilary Lovett | 0.5 | Conference with Rob Balin and Eric Stahl regarding case status. |
| 8/7/2014 | Preston, Hilary Lovett | 0.5 | Confer with Kim McCoy regarding revisions to discovery responses. |
| 8/8/2014 | Preston, Hilary Lovett | 0.4 | Telephone conference with Ray Bragar regarding negotiations. |
| 8/8/2014 | Preston, Hilary Lovett | 0.3 | Telephone conference with Craig Linder regarding Bragar negotiations. |
| 8/8/2014 | Preston, Hilary Lovett | 0.7 | Confer with Cliff Thau regarding same and regarding case strategy. |
| 8/12/2014 | Thau, Clifford L. | 0.9 | Telephone conference with Geoff Darling in Oregon. |
| 8/12/2014 | Preston, Hilary Lovett | 0.9 | Telephone conferences with Geoff Darling. |
| 8/13/2014 | Preston, Hilary Lovett | 0.5 | Confer with Kim McCoy regarding the revisions of motion to dismiss. |

8/14/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding motion to 0.4 dismiss.

8/15/2014 Preston, Hilary Lovett Telephone conference with Ray Bragar regarding 0.2 status of negotiations.

8/18/2014 Preston, Hilary Lovett 0.2 Conference call with Craig Linder and Cliff Thau.

8/18/2014 Thau, Clifford L. 1 Conference with Craig Linder and Ray Bragar.

8/19/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding potential 0.5 resolution.

8/19/2014 Preston, Hilary Lovett Telephone conference with Ray Bragar regarding 0.4 potential resolution.

8/20/2014 Preston, Hilary Lovett Conference call with all parties and court 0.4 regarding protective order.

8/20/2014 Preston, Hilary Lovett 0.5 Confer with Rob Balin regarding discovery needs.

8/21/2014 Preston, Hilary Lovett 0.3 Telephone conference with Craig Linder.

8/21/2014 Preston, Hilary Lovett Conference call with Robert Balin and Eric Stahl 0.5 regarding discovery planning.

8/21/2014 Preston, Hilary Lovett 0.5 Confer with Cliff Thau regarding discovery issues.

8/22/2014 McCoy, Kimberly R. Telephone conference with Hilary Preston 0.2 regarding next steps for discovery process.

8/22/2014 McCoy, Kimberly R. Telephone conference with Hilary Preston, Craig Linder, and Maxine Tiger regarding Dow Jones's 0.5 subscription practices.

8/25/2014 McCoy, Kimberly R. Telephone conference with Robert Balin, Eric Stahl and Hilary Preston regarding third party 0.4 discovery.

8/25/2014 Preston, Hilary Lovett Attention to discovery planning and confer with 1.3 Kim McCoy regarding same.

8/25/2014 Preston, Hilary Lovett 0.5 Conference call with co-defendants.

8/26/2014 Preston, Hilary Lovett Confer with Geoff Darling regarding potential 0.3 witnesses.

8/27/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding discovery 0.5 issues and planning.

8/27/2014 McCoy, Kimberly R. Telephone conference with Hilary Preston 0.3 regarding case status and next steps.

8/29/2014 Preston, Hilary Lovett Confer with Forbes Council and Kim McCoy 0.5 regarding subpoenas.

9/2/2014 McCoy, Kimberly R. Several conversations with Keith Falcon 0.2 regarding status of subpoena service.

9/3/2014 Thau, Clifford L. Conference with Hilary Preston regarding 0.5 potential settlement.

9/10/2014 Preston, Hilary Lovett

Confer with Craig Linder, Jay Conti, and Cliff Thau regarding case and strategy going forward.
0.4 Confer with Kareem Shibib and Kim McCoy regarding outstanding discovery and briefing
0.6 issues.

9/10/2014 Preston, Hilary Lovett

Call with Craig Linder, Vidhi Agarwal, and Laura McDuffie regarding email collection for review
0.5 and production.

9/10/2014 McCoy, Kimberly R.

Meet with Hilary Preston and Kareem Shibib regarding next steps and preparation for
0.5 upcoming hearing and depositions.
Several discussions with Kareem Shibib regarding case background, next steps and drafting of third
1.2 party subpoenas.

9/11/2014 McCoy, Kimberly R.

Correspond with Vidhi Agarwal regarding the
0.3 upload of email for John Stearns.

9/12/2014 McDuffie, Laura M.

Several calls with Laura McDuffie regarding
0.5 status of production of documents
Call with Craig Linder and Vidhi Agarwal regarding status of collection of emails and next
0.3 steps.

9/12/2014 McCoy, Kimberly R.

Consult with Jennifer Williams regarding
0.5 potential forensic computer expert.

9/12/2014 McCoy, Kimberly R.

Read letter from Ray Bragar and discuss same
0.6 with Hilary Preston
Several discussions with Kareem Shibib regarding third party discovery to banks, and arrange for
0.5 conflict check of same.

9/12/2014 McCoy, Kimberly R.

Several emails and discussions with Laura McDuffie, Craig Linder and Vidhi Agarwal
0.8 regarding email collection and production
Call with Washington Federal Bank regarding their compliance with subpoena and document production and email Hilary Preston with update
0.5 to same.

9/15/2014 McCoy, Kimberly R.

Respond to email from Banc of California regarding response to document production and call attorney at Bank of California following up
0.6 on same.

9/16/2014 McCoy, Kimberly R.

Call with Craig Linder, Jay Conti and Hilary Preston regarding discovery status and
0.5 preparation for hearing.

9/16/2014 McCoy, Kimberly R.

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|----------------------------------|---|
| | Several discussions with Laura McDuffie and Jennifer Williams regarding discovery issues including obtaining email from client, computer forensics, copying non-email electronic and hard |
| 9/16/2014 McCoy, Kimberly R. | 1.4 copy documents from client in Chicopee, MA |
| 9/16/2014 Preston, Hilary Lovett | Conference call with Jay Conti, Craig Linder and |
| 9/16/2014 Preston, Hilary Lovett | 0.9 Kim McCoy regarding case status and next steps. Confer with Cliff Thau regarding motion to |
| 9/16/2014 Preston, Hilary Lovett | 0.6 dismiss. Confer with Kim McCoy regarding discovery |
| 9/16/2014 Preston, Hilary Lovett | 1 status and next steps. Email correspondence regarding discovery and |
| 9/16/2014 McCoy, Kimberly R. | 0.2 next steps. Several calls and emails with Craig Linder, Vidhi Agarwal, and Laura McDuffie regarding status of |
| 9/17/2014 McCoy, Kimberly R. | 1 email collection. Call from Banc of California attorney regarding subpoena response and draft follow-up email |
| 9/17/2014 McCoy, Kimberly R. | 0.4 regarding same. Conferences with Kim McCoy regarding discovery issues and next steps in document |
| 9/17/2014 Preston, Hilary Lovett | 1.3 collection and review. Call with David Lennon regarding his client's |
| 9/18/2014 McCoy, Kimberly R. | 0.5 subpoenas. Discuss call with David Lennon with Hilary |
| 9/18/2014 McCoy, Kimberly R. | 0.8 Preston and call Craig Linder regarding same. Notify banks of agreement to hold subpoenas in abeyance with David Lennon via phone, email |
| 9/18/2014 McCoy, Kimberly R. | 1.2 and letter. Several emails and phone calls with Laura McDuffie and Craig Linder regarding uploading of John Stearns emails for review and |
| 9/18/2014 McCoy, Kimberly R. | 1.8 production. Coordinate scanning of checks held by Dow Jones in Chicopee, MA and email Craig Linder |
| 9/18/2014 McCoy, Kimberly R. | 0.5 regarding additional documents for scanning. Correspond with EQD regarding status of |
| 9/19/2014 McDuffie, Laura M. | 0.5 copying of checks and files. |

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| | Conference with Craig Linder, the Dow Jones IT support team, the collection vendor (BIA), the data processing vendor and Kim McCoy regarding corrupt email for 2011 and 2012 to 1 determine best method for collection. |
| 9/19/2014 McDuffie, Laura M. | Telephone conference with Craig Linder, the Dow Jones IT support team, the collection vendor (BIA), the data processing vendor and Kim McCoy regarding corrupt email for 2011 and 0.5 2012 to determine best method for collection. |
| 9/19/2014 Shibib, Kareem A. | Call with Craig Linder, Dow Jones IT Support, Laura McDuffie, BIA and Equivalent Data 0.6 regarding data recovery and email collection. |
| 9/19/2014 McCoy, Kimberly R. | Several calls with Laura McDuffie regarding 0.6 status of production and next steps. |
| 9/19/2014 McCoy, Kimberly R. | Call with Isabel Sukholistky regarding case 0.5 background necessary for review of documents. |
| 9/19/2014 Preston, Hilary Lovett | 0.2 Telephone conference to Rob Balin. |
| 9/19/2014 Preston, Hilary Lovett | 0.2 Telephone conference to David Lennon. |
| 9/19/2014 Preston, Hilary Lovett | Confer with Kim McCoy regarding document 0.8 collection issues. |
| 9/19/2014 McCoy, Kimberly R. | Correspond with processing vendor (EQD) regarding instructions for de-duplicating client email and client documents collected from the 1 shared network folder. |
| 9/19/2014 Preston, Hilary Lovett | Confer with Kim McCoy regarding document 0.5 review status and issues. |
| 9/19/2014 McCoy, Kimberly R. | Several emails with Craig Linder, Vidhi Agarwal and Laura McDuffie regarding outstanding 0.5 custodian email collections. |
| 9/19/2014 Preston, Hilary Lovett | Confer with Kim McCoy regarding document 0.5 review status and issues. |
| 9/19/2014 McCoy, Kimberly R. | Several conversations with Laura McDuffie regarding finalizing production of John Stearns 0.4 emails. |
| 9/19/2014 Preston, Hilary Lovett | Confer with Cliff Thau regarding materials 0.2 provided by David Lennon. |
| 9/19/2014 McCoy, Kimberly R. | Confer with Jay Conti and Cliff Thau regarding 0.3 strategy. |
| 9/19/2014 Preston, Hilary Lovett | Review and analyze email correspondence of custodian John Stearns for responsiveness and 2 privilege issues. |
| 9/19/2014 Shibib, Kareem A. | |

9/22/2014 McCoy, Kimberly R. Research evidentiary issue and email Cliff Thau 0.8 regarding same.
Call with Jay Conti, Hilary Preston and Cliff Thau regarding draft of sanctions motion and next 0.5 steps.
Call with Hilary Preston regarding status of email 0.4 review and production.

9/22/2014 McCoy, Kimberly R. Correspond with processing vendor regarding 0.5 status of scanned checks for attorney review.
Multiple telephone conferences with Bragar 1 regarding CBS evidence.
Confer with Cliff Thau regarding the CBS 0.7 evidence.
Confer with Jay Conti regarding discovery 0.3 planning.
Telephone conferences with David Lennon 1 regarding CBS evidence.
Conference call with Jay Conti and Cliff Thau regarding CBS evidence and strategy related to 0.3 same.

9/23/2014 McCoy, Kimberly R. Several discussions with Laura McDuffie to 0.6 coordinate document processing and review.
Call with Ray Bragar and Hilary Preston regarding 0.6 outstanding discovery issues.

9/24/2014 McCoy, Kimberly R. Email Hilary Preston regarding correct measure 0.4 of damages claimed and impact of refund check.
Telephone conference with Rob Balin regarding 0.2 Rabin's contacts with Forbes.

9/24/2014 Preston, Hilary Lovett Conference call with Ray Bragar and Kim McCoy 0.5 regarding outstanding discovery issues.
Confer with Kim McCoy regarding outstanding 0.5 discovery issues.
0.2 Confer with team regarding sanctions.
Conference with clients regarding potential 0.3 sanctions motion.
Confer with Hilary Preston regarding the 0.2 potential sanctions motion.
Conference call with Mark Jackson, Jay Conti, and Craig Linder regarding potential motion for 0.3 sanctions.
Confer with Cliff Thau regarding potential 0.2 motion for sanctions.

9/29/2014 Thau, Clifford L.

9/29/2014 Thau, Clifford L.

9/29/2014 Preston, Hilary Lovett

9/29/2014 Preston, Hilary Lovett

9/30/2014 Thau, Clifford L. Confer with Hilary Preston regarding sanctions
0.4 and meeting with Bragar.

9/30/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding sanctions and
0.4 meeting with Bragar.

9/30/2014 Preston, Hilary Lovett 0.1 Confer with Ray Bragar regarding sanctions.

9/30/2014 Preston, Hilary Lovett 0.6 Confer with Ray Bragar regarding CBS evidence.
Telephone conference with Cliff Thau regarding
0.3 meeting with Ray Bragar.

10/1/2014 Preston, Hilary Lovett Telephone conference with Rob Balin regarding
0.2 Rabin and Forbes contacts.

10/1/2014 Preston, Hilary Lovett Meeting with Bragar and prepare for potential
1.5 motion for sanctions.

10/2/2014 Preston, Hilary Lovett Conference call with Craig Linder regarding
0.2 potential motion for sanctions.

10/2/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding preparation for
0.5 call to Judge Rakoff.

10/3/2014 Preston, Hilary Lovett Conference call with Judge Rakoff's Chambers
0.3 and plaintiff's counsel.

10/3/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding revisions to
0.5 motion for sanctions.

10/3/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding revisions to
0.8 the motion for sanctions.

10/6/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding motion for
0.5 sanctions.

10/8/2014 Preston, Hilary Lovett 0.5 Confer with Cliff Thau regarding motion.

10/9/2014 Preston, Hilary Lovett 0.5 Confer with Kim McCoy regarding motion.

10/9/2014 Preston, Hilary Lovett Confer with Craig Linder regarding finalized
0.3 motion.

10/10/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding motion for
0.4 sanctions.

10/10/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding motion for
0.3 sanctions.

10/14/2014 Thau, Clifford L. Attention to Raymond Bragar letter to the New
0.5 York Times.

10/14/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding letter to
0.4 McGraw.

10/14/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding letter to
0.3 McGraw.

10/16/2014 Preston, Hilary Lovett Email correspondence regarding same NYT-
0.2 Rabin Letter.

10/21/2014 Preston, Hilary Lovett Correspondence with Ray Bragar regarding
confidentiality designations and review
0.2 protective order regarding same.

10/24/2014 McCoy, Kimberly R. Call from Craig Linder regarding copy of scanned checks from Chicopee, MA, and arrange copy of 0.4 disk of same.

10/28/2014 Thau, Clifford L. Attention to Reply and conference with clients 1 regarding same.

10/28/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding motion for 0.5 sanctions.

10/28/2014 Preston, Hilary Lovett Conference call with Jay Conti, Craig Linder, and 0.5 Cliff Thau regarding motion for sanctions.

10/28/2014 Preston, Hilary Lovett Confer with Kim McCoy regarding motion for 0.5 sanctions.

10/29/2014 Preston, Hilary Lovett Confer with Rob Balin regarding status of Forbes 0.2 challenge to settlement.

10/29/2014 Thau, Clifford L. Attention to draft Reply and conference with 1.3 clients regarding same.

10/31/2014 Preston, Hilary Lovett Confer with Cliff Thau regarding motion for 0.2 sanctions.

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| Total Talking Hours | 87.4 |
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